

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 1-11 are in the case.

I. THE ANTICIPATION REJECTION

Claims 1-11 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. patent 3,774,811 to Staerman. The rejection is respectfully traversed.

The invention as claimed is directed to a syringe for dispensing foam. The syringe comprises (a) a syringe plunger having a distal end face, (b) a waste chamber communicating with the distal end face of the plunger, (c) an inlet communicating with the waste chamber for introduction of an initial quantity of foam into the waste chamber from an external source, (d) means for diverting a second quantity of foam from the external source to the distal end of the plunger when the waste chamber is full of the initial quantity of foam, (e) a syringe barrel having a nozzle and a bore for receiving the plunger, and (f) a seal formation provided at the distal end face of the plunger for sealing between the distal end face of the plunger and the inner surface of the bore thereby preventing flow of foam past the distal end face of the plunger and into the bore. When the second quantity of foam is diverted by the diverting means to the distal end face, the syringe plunger is pushed back in the syringe barrel as the syringe barrel fills with foam.

Referring to the anticipation rejection, the Action asserts that Staerman discloses a syringe comprising a plunger (2) with a distal end face, a “waste chamber” (interior of 1), a syringe barrel (3) with nozzle (8/9), a bore (interior of 3), and a seal formation (edge of plunger 2). However, there is no disclosure in Staerman of a structure as now

claimed which allows an initial quantity of foam to be collected in the waste chamber prior to later foam being diverted to the distal end face to push the plunger back in the syringe barrel as the syringe barrel fills with the later supplied foam. In Staerman, foam is received in the interior of 1 where it is collected and then admitted directly into the barrel 3 through the valve 4. There is no structure provided in Staerman to allow collection of an initial quantity of foam in a chamber and then divert later foam received from the source to the syringe barrel while leaving the initial quantity of foam in the waste chamber.

Staerman clearly does not anticipate (or suggest) the syringe as claimed. Withdrawal of the anticipation rejection is respectfully requested.

II. AMENDMENTS

Claim 1 has been amended to recite an inlet communicating with the waste chamber for introduction of an initial quantity of foam into the waste chamber from an external source, and a diverting means for diverting a second quantity of foam from the external source to the distal end of the plunger when the waste chamber is full of the initial quantity of foam. Support appears for these amendments as follows.

Support for the inlet communicating with the waste chamber is in the drawings, for example 25 in Fig. 1, 125 in Fig. 2, and 225 in Fig. 3. Support for the initial quantity of foam appears in the Abstract on the first page of the published application WO 2005/053776. Support for the diverting means appears in the Abstract of published application WO 2005/053776. No new matter is entered.

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Favorable action is awaited.

Respectfully submitted,

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